

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 3069 of 1995
to
FIRST APPEAL No 3081 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SPL LAND ACQUISITION OFFICER

Versus

PATEL NATVARBHAI SHANKERBHAI

Appearance:

MR. M.R.ANAND, Senior Counsel with MR. L.R.PUJARI, AGP,
for the Appellants.

MR. NITIN AMIN, learned advocate for the Respondents.

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 04/07/96

ORAL JUDGEMENT

1. Heard the learned counsel for the respective parties. Appeals stand admitted. Mr.Nitin Amin, waives service for the respondents in each of these appeals.
2. At the joint request of the learned counsel for the respective parties, these appeals are taken up for final hearing today.
3. As a result of the hearing, and on perusal of

relevant documents on record, it becomes apparent that the lower court has determined market value of the lands under acquisition at Rs.10/- per sq.mt., mainly on the basis of ex.13, which is a certified copy of the earlier awards passed by the same court under section 18 of the said Act.

4. However, the learned counsel for the appellant seeks to place reliance on my earlier decision dated 8th May, 1996, in First Appeal Nos. 5405/95 to 5417/95. According to the learned counsel for the respective parties, this decision deals with the acquisition of land for the same village namely; Dasaj, taluka-Siddhpur, District- Mehsana. In my aforesaid decision, after due consideration of all the relevant factors, I had determined the market value of the lands at Rs.8/- per sq. mt.

5. The learned counsel for the appellant therefore, submits that since my earlier decision has determined the market value at Rs.8/- per sq. mt., after due consideration of all relevant factors, the impugned awards at Rs.10/- per sq. mt. cannot be sustained, and consequently, the market value in respect of the lands in question must stand reduced to Rs.8/- per sq.mt.

6. The learned counsel for the respondents could not contest the submission of the appellant. There is no dispute that my aforesaid earlier decision determines the market value of the lands on merits, and that there is no substantial difference between the lands in that group of First Appeals and the lands presently under consideration.

7. In the premises aforesaid, these appeals require to be partly allowed. Accordingly, the impugned awards shall stand modified to the extent that the market value of the lands under acquisition shall be Rs.8/- per sq.mt. There shall be consequent reduction in the amounts of solatium and interest payable. It is clarified that the impugned awards are modified only to the aforesaid extent.

8. Consequently, these appeals are partly allowed with no orders as to costs.

9. Decree accordingly.

10. The appellants are directed to deposit the requisite amounts as payable under the present decree, separately in each Land Reference Case in the lower

court, latest by 30th October, 1996. Direct service
permitted.
